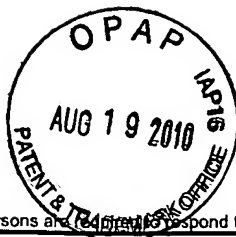


Doc Code: AP.PRE.REQ



PTO/SB/33 (07-09)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

2004_1091A

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Application Number

10/501,150

Filed

July 13, 2004

First Named Inventor

Syuji MATSUDA

Art Unit

2112

Examiner

Joseph D. Torres

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 52,430

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Kenneth W. Fields/

2010.08.19 15:00:19 -04'00'

Signature

Kenneth W. Fields

Typed or printed name

202-721-8200

Telephone number

August 19, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_1091A
Syuji MATSUDA et al. : **Confirmation No. 5201**
Serial No. 10/501,150 : Group Art Unit 2112
Filed July 13, 2004 : Examiner Joseph D. Torres
INTERLEAVED DATA ERROR : **Mail Stop: AF**
CORRECTION METHOD DEVICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a pre-appeal brief request for review of the rejection of claims 17-26, 37 and 38 as set forth in the final Office Action dated April 19, 2010. No amendments are being filed with this request. This request is being filed concurrently with a Notice of Appeal. The period for response has been extended for one month to August 19, 2010. The request for review of the rejection is based on the comments below.

I. Claim Rejections under 35 U.S.C. § 103(a)

A. Claims 17, 19, 20, 22, 24 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marchant (U.S. 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264). Appellants kindly request reconsideration of this rejection in view of the following comments.

Claim 17 recites that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

Regarding the above-noted feature recited in claim 17, Appellants note that in the Office Action, the Examiner has recognized that Marchant and Kobayashi do not teach or suggest such

a feature. The Examiner, however, has applied Nakamura, and has taken the position that it would have been obvious to modify Marchant, based on the disclosure in Nakamura, so as to provide such a feature.

In this regard, in the Response to Arguments section of the Final Office Action (see the Final Office Action at page 3, line 20 through page 4, line 1), the Examiner has set forth the following:

“Nakamura teaches that in Reed-Solomon Erasure decoding erasures are erasure flagged during C1 inner/row code decoding just as in Marchant. However, Nakamura provides details missing in Marchant as to how erasure flagging is executed.” (emphasis added).

In response to the above-noted comments made by the Examiner, Appellants respectfully submit that the Examiner’s understanding of Marchant is incorrect. In particular, Appellants note because Figs. 5-7 in Marchant do not relate to a product code, that there is clearly no concept of “decoding of C1 inner/row code” in these figures of Marchant.

In this regard, Appellants point out that while Figs. 5-7 of Marchant perform detection of erasure by scratch detection fields, that Figs. 5-7 of Marchant do not perform detection of erasure by inner code.

Thus, because Marchant merely performs detection of erasure by scratch detection fields, Appellants submit that it would be impossible to combine Figs. 5-7 of Marchant, which do not relate to the product code, with Nakamura which relates to a decoding method for decoding the product code comprising the inner code and the outer code.

In view of the foregoing, Appellants respectfully submit that the Examiner’s position regarding the obviousness of combining Marchant and Nakamura is incorrect.

Accordingly, Appellants submit that the combination of Marchant, Nakamura, and Kobayashi does not teach, suggest or otherwise render obvious at least the above-noted feature recited in claim 17 which indicates that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

Therefore, Appellants submit that claim 17 is patentable over the combination of Marchant, Nakamura, and Kobayashi, an indication of which is kindly requested.

Regarding claims 19, 22 and 24, Appellants note that each of these claims recites that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

For at least the same reasons as discussed above with respect to claim 17, Appellants submit that the combination of Marchant, Nakamura, and Kobayashi does not teach, suggest or otherwise render obvious the above-noted feature recited in claims 19, 22 and 24. Accordingly, Appellants submit that claims 19, 22 and 24 are patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 20 and 25, Appellants note that claim 20 depends from claim 19 and that claim 25 depends from claim 24. Accordingly, Appellants submit that claims 20 and 25 are patentable at least by virtue of their dependency.

B. Claims 18, 23, 37 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marchant (U.S. 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and in further view of Shutoku et al. (US 7,089,401).

Regarding claims 18, 23, 37 and 38, Appellants note that each of these claims recites that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

For at least the same reasons as discussed above with respect to claim 17, Appellants submit that the combination of Marchant, Nakamura, and Kobayashi does not teach, suggest or otherwise render obvious the above-noted feature recited in claims 18, 23, 37 and 38. Further, Appellants respectfully submit that Shutoku does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi.

Accordingly, Appellants respectfully submit that claims 18, 23, 37 and 38 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claims 21 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marchant (U.S. 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and in further view of Eachus (US 3,685,016).

Claim 21 depends from claim 19, and claim 26 depends from claim 24. Appellants respectfully submit that Eachus does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi, with respect to claims 19 and 24. Accordingly, Appellants submit that claims 21 and 26 are patentable at least by virtue of their dependency.

II. Conclusion

In view of the foregoing, Appellants respectfully submit that claims 17-26, 37 and 38 are patentable over the prior art references cited in the Office Action. Accordingly, reconsideration of the rejections set forth in the Final Office Action is kindly requested.

Respectfully submitted,

Syuji MATSUDA et al.

/Kenneth W. Fields/

By 2010.08.19 15:00:42 -04'00'

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August 19, 2010